

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEPHEN E. STRAUSS,

- against -

ARCHITECTURAL INTERIOR
MAINTENANCE, INC., et al.,

Defendants.

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ORDER

08 Civ. 1862 (DC)

CHIN, District Judge

At the pre-trial conference today, the Court discussed certain defendants' request for leave to file a motion for summary judgment. The Court discouraged these defendants from filing the motion, for reasons discussed at the conference.

Defendant Hanrahan also desires to file a motion to dismiss, as set forth in counsel's letter dated June 19, 2008. A number of these issues are now moot, however, in light of plaintiff's withdrawal of certain claims. The only remaining ground upon which Hanrahan seeks to move is that the fraud cause of action fails to state a claim upon which relief may be granted; as this is an alternate ground for relief, and for the reasons discussed at the conference, I likewise do not believe such a motion to dismiss makes sense at this point in the litigation.

Accordingly, it is HEREBY ORDERED as follows:

(1) all discovery, fact and expert, shall be completed

by January 9, 2009; a pre-trial conference will be held on that date at noon;

(2) the parties shall proceed with discovery;

(3) defendant Hanrahan's time to respond to the complaint is extended to September 5, 2008;

(4) any defendant wishing to move at this time may do so on a schedule to be agreed upon by the parties and submitted to the Court for approval, but the filing of any such motion will not stay the discovery schedule.

SO ORDERED.

Dated: New York, New York
August 25, 2008



DENNY CHIN
United States District Judge